

REMARKS

Applicants have amended claims 1-5 and 32, and have added new claims 40-47 as set forth above. Applicants submit that the new claims are well supported by the specification and, therefore, do not introduce new matter. Accordingly, the claims pending in this application are claims 1-8, 11, 14-17, 32 and 40-47.

I. Claim Rejection Under Section 103

Claims 1-8, 11, 14-17 and 32 have been rejected under 35 U.S.C. §103 as being unpatentable over Benzick in view of Feher. Applicants have amended independent claims 1 and 32 to further recite that the claimed seat construction comprises: (1) an air flow channel that extends through the support member or seat cushion from a top surface to a bottom surface, that facilitates passage of temperature conditioned air therethrough from an inlet at the bottom surface to an outlet at a top surface (claim 1); and (2) at least one air subchannel integral with and extending along the top surface of the support member or seat cushion, that is connected with the air flow channel outlet (claims 1 and 32).

Benzick discloses an air conditioning pad comprising: (1) a lower pad section having a continuous open channel formed in an upper face; (2) an upper pad section having a series of open channels formed in a lower face adapted to contact the upper face of the lower pad section, wherein the upper pad section has a number of air discharge openings that extends through the upper pad section from the lower face to an upper face. The air conditioning pad is designed to be placed on top of, and does not replace, an existing vehicle seat.

Benzick fails to disclose or suggest Applicants' vehicle seat apparatus comprising an air flow channel that extends completely

through the seat cushion of the vehicle seat, rather than merely through an upper pad section, and that includes both an air inlet at a bottom surface of the seat cushion and an air outlet at a top surface of the seat cushion. Further, Benzick fails to disclose or suggest Applicants' vehicle seat comprising at least one air subchannel integral with and extending along the top surface of the seat cushion that is connected to the air outlet of the air flow channel. Also, Benzick fails to disclose or suggest a vehicle seat construction comprising these noted features and, rather discloses only the construction of a pad that is placed over the vehicle seat. Additionally, Benzick discloses passing only ambient temperature air taken from the environment outside of the vehicle through the pad, and does not even remotely suggest using such pad in conjunction with temperature conditioned air. Finally, as noted by the Examiner, Benzick fails to disclose or suggest Applicants' claimed seat construction comprising a flexible porous member disposed over the top surface of the seat cushion, and a seat cover disposed over a surface of the flexible porous member.

Feher discloses a seat construction comprising: (1) an air plenum formed by metal wire spring coils; (2) a metal mesh layer disposed over the spring coils; (3) a sheet of elastomeric material disposed over the metal mesh and having a plurality of openings extending therethrough; and (4) an upper layer formed from an air permeable material disposed over the sheet of elastomeric material. Temperature conditioned air is passed through the air plenum, through the metal mesh and sheet of elastomeric material, and through the upper layer.

Feher, like Benzick, fails to disclose or even remotely suggest Applicants' claimed seat construction comprising: (1) an air flow channel disposed through the seat cushion; (2) at least

the air subchannel integral with and extending along the top surface of the seat cushion, and connected to an outlet of the air flow channel; (3) a flexible porous member disposed over the top surface of the seat cushion; and (4) a seat cover disposed over the flexible porous member. Because neither Benzick nor Feher alone disclose or even remotely suggest the claim features of Applicants' seat construction pointed out above, the Examiner's combination cannot correctly be relied upon to provide what is missing in each. Accordingly, one having ordinary skill in the art would not find Applicants' claimed seat construction obvious in view of the Examiner's combination.

Applicants, therefore, respectfully request that the rejection of independent claims 1 and 32 under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants further request that the rejection of claims 2-8, 11 and 14-17 under 35 U.S.C. §103 also be reconsidered and withdrawn because these claims depend from independent claim 1.

II. Conclusion

Applicants respectfully request that the rejection of claims 1-8, 11, 14-17 and 32 under 35 U.S.C. §103 be reconsidered and withdrawn, and that new claims 40-47 be examined.

Respectfully submitted,
CHRISTIE, PARKER & HALE

By


Grant T. Langton
Reg. No. P-39,739
818/795-9900; 213/681-1800

GTL/mac

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